

**Opening Statement of Ranking Member Scott (VA-03)**

Full Committee Markup

H.R. 6655, *A Stronger Workforce for America Act*

H.R. 6585, *Bipartisan Workforce Pell Act*

H.J. Res. 98, *Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to "Standard for Determining Joint Employer Status."*

H.R. 3400, *Small Business Before Bureaucrats Act*

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Tuesday, December 12, 2023 | 10:15 a.m.

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Thank you, Madam Chair.

Today, the Committee is marking up three bills and one resolution. The first two are bipartisan bills that Dr. Foxx and I have negotiated for nearly a year. It will help workers, [and] it will help students, and businesses reap the benefits of our country's growing economy. Regrettably, the other bill and resolution will do the opposite and undermine workers' rights by chipping away at the *Fair Labor Standards Act* and the *National Labor Relations Act*.

The first bill we will consider is "*A Stronger Workforce for America Act*," which makes an array of critical improvements to *Workforce Innovation and Opportunity Act* programs. Specifically, it will:

- Ensure that workers displaced from their jobs can access robust development services, including through “individual training accounts.”
- It creates an emphasis on employer-led initiatives that equip workers with the skillsets they need to fill jobs in critical industries and help the currently employed workforce upskill to avoid displacement and advance their careers.
- And finally, it streamlines the “eligible training provider list” to ensure programs are aligned with the skill and hiring demands and that state and local workforce boards are held accountable for achieving positive outcomes for program participants.

The next bill, the *Bipartisan Workforce Pell Act*, allows students to use Pell Grants to enroll in high-quality, short-term workforce programs, creating opportunities for Americans looking to gain skills in high-demand fields.

Currently, students cannot use a Pell Grant on a short-term training program, such as IT or welding courses. As a result, many adults cannot afford to attend or complete

courses that will help them get good-paying jobs and compete in the modern economy.

This is a disservice to our students, workers, and employers. We have been trying to expand the use of Pell Grants for years, and I am excited that we finally reached a bipartisan agreement with solid quality assurance measures to ensure that taxpayer dollars are used on high-quality programs.

Too often, we hear claims from employers about the difficulties of filling in-demand jobs. But looking at our rural and urban communities reveals that talent is everywhere, but opportunity is not.

Taken together, these two bills are the investment we need to provide more Americans with a path to the middle class and businesses with the ability to hire the well-trained workers they need. I am grateful to Dr. Foxx and the committee staff for working together to find a bipartisan solution.

Regrettably, this is where our bipartisanship will end because the next item we will consider is a resolution to repeal the National Labor Relations Board's (NLRB) joint employer rule.

Millions of Americans have work arrangements where they work on behalf of a client company that directs their work but does not sign their paycheck. This so-called "fissured workplace" can weaken their ability to organize and collectively bargain, or otherwise hold their employer accountable.

The NLRB's joint employer rule ensures that workers hired through subcontractors, temporary staffing agencies, and other intermediaries can hold all entities that actually control their working conditions accountable for their right to collectively bargain for higher pay, better benefits, and safer workplaces.

This resolution would repeal the rule and, if enacted, would reinstate the deficient Trump-era rule that narrowed the joint employer standard and weakened workers' ability to exercise their rights.

Under that rule the entity that controls the pay levels often cannot be brought to the bargaining table so the whole bargaining process is useless.

The last bill before us, the so-called *Small Business Before Bureaucrats Act*, would significantly increase the revenue threshold under which businesses fall within the NLRB's jurisdiction. The bill's author has said that, when implemented, more than 50 percent of retail and non-retail businesses will be exempt and relieved from NLRB jurisdiction. This bill represents an attack on workers' rights, and Committee Democrats strongly reject it.

It is frustrating that the Majority included these last two bills as part of today's otherwise bipartisan markup.

So, I urge my colleagues to support the bills that meaningfully strengthen our workforce, the *A Stronger Workforce for America Act* and the *Bipartisan Workforce Pell Act* and oppose the other two proposals.

Thank you, Madam Chair, and I yield back.